

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 04-C-0760

v.

CARL J. SCHWABE,
TRACY L. SCHWABE,
GASCO,
AUSLOOS DAIRY EQUIPMENT, INC,
BAY LAKES COOPERATIVE,

Defendants.

JUDGMENT

The above-entitled action having been heard by the Honorable William C. Griesbach,
United States District Judge of the Eastern District of Wisconsin, and the Court having entered
findings of fact and conclusions of law,

IT IS HEREBY ORDERED AND ADJUDGED that the mortgaged premises which are
the subject of this action are described as follows:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, Township 29 North, Range 21 East, Oconto County
Wisconsin.

IT IS HEREBY ORDERED AND ADJUDGED that there is due and owing to the plaintiff, the following sums:

Principal Real Estate	\$328,259.32
Interest Real Estate to June 17, 2005 (per diem \$44.947)	\$ 60,462.29
Lis Pendens Fees	\$ 17.00
Title Report	\$ 75.00
Copies produced	\$ 574.50

(Post-Judgment Interest will accrue on the judgment at the legal rate pursuant to Title 28, United States Code, Section 1961)

together with the disbursements of this action as taxed, and as to be taxed by the Clerk of Court, all with interest after June 17, 2005, at the legal rate.

IT IS FURTHER ORDERED that the real estate property be sold at public auction in Oconto County, State of Wisconsin, by and under the direction of the United States Marshal for the Eastern District of Wisconsin, at any time after the date of entry of this judgment, unless previous to that date the premises and judgment shall be redeemed in the manner provided by law, by the payment of the total amount of such judgment, together with costs and interest thereon, at the legal rate, and any further judgment amounts by reason of taxes or insurance premiums paid.

IT IS FURTHER ORDERED AND ADJUDGED that in case of sale pursuant hereto, the United States Marshal shall notice and conduct said sale in the manner provided by law and the usual custom of the Eastern District of Wisconsin; including the requirement that the Marshal shall accept from the purchaser at such sale, as a deposit or down payment, not less than ten (10) percent, in which case, such amount shall be so deposited with the Clerk of Court, and the balance of the sale price should be paid to the Clerk of Court within thirty (30) days of the date of

sale, except that if plaintiff be the successful bidder at such sale, the United States Marshal may take the receipt of plaintiff in lieu of cash payment.

IT IS FURTHER ORDERED AND ADJUDGED that the sale of said premises shall be subject to confirmation of the Court by order, and said order shall, if appropriate, provide for confirmation of sale, issuance of a Marshal's deed, and disbursement of funds to satisfy the above-owed amounts.

IT IS FURTHER ORDERED AND ADJUDGED that if the proceeds of the sale of the mortgaged premises that are paid to the plaintiff are less than the above-amount owed to the plaintiff, that a deficiency judgment be entered against Carl J. Schwabe and Tracy L. Schwabe.

IT IS FURTHER ORDERED AND ADJUDGED that after confirmation of the sale by the Court, if there are surplus proceeds after the plaintiff has been paid in full, such proceeds be held by the Clerk of Court and subject to further order of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that upon the confirmation of the sale of the mortgaged premises, the purchaser or purchasers, or them or their heirs, representatives or assigns, be let into possession of the premises sold, upon production of the United States Marshal's Deed thereto or duly authenticated copy thereof; that each and every one of the parties to this action who may be in possession of the premises, and every other person who since the filing of the notice of pendency of this action has come into possession of the same or any part thereof under them or either of them shall deliver to such grantee or grantees named in such deed, possession of the mortgaged premises; and that a writ of assistance be issued by the Clerk of Court upon application by plaintiff if necessary to secure such possession.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants, their heirs, successors or assigns, and all persons claiming under them, after the filing of notice of pendency of this action, be forever barred and foreclosed of all right, title, interest, and equity of redemption in said mortgaged collateral.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants and all persons claiming under them be and they are hereby enjoined from committing waste upon the mortgaged premises and from doing any act that may impair the value of the same, unless meanwhile the premises shall have been duly redeemed as provided by law.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff may exercise its right to have execution issued and require the United States Marshal to take possession of said real estate property at any time after the date of the confirmation of sale, and that a writ of execution shall be issued if necessary to secure such possession.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff may pay any taxes on the mortgaged premises, or insurance premiums accruing against same, now due or which shall hereafter become due before the sale thereof, and have a lien on the premises for the amount so paid, with interest thereon from the date of payment at the post judgment legal rate, and that in the event any such payments are made, the plaintiff may obtain an order directing that the amount so paid with interest be likewise paid upon the mortgaged premises.

IT IS FURTHER ORDERED AND ADJUDGED that all sums hereafter advanced by the plaintiff for insurance, necessary repairs, and costs of this action not included in this judgment, with interest thereon from the date of payment at the legal post judgment rate may be added to the judgment by order at any time after the entry thereof.

Dated at Green Bay, Wisconsin, this 27th day of June, 2005.

Approved:

s/ William C. Griesbach
WILLIAM C. GRIESBACH
United States District Judge

SOFRON B. NEDILSKY
Clerk

s/ Mary E. Conard
(By) Deputy Clerk